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AMIN, TUROCY & CALVIN, LLP				
24TH FLOOR, NATIONAL CITY CENTER				
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CLEVELAND, OH 44114				
EXAMINER				
ROSWELL, MICHAEL				
ART UNIT		PAPER NUMBER		
2173				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

09/882,857

**Applicant(s)**

VAN DANTZICH ET AL.

**Examiner**

Michael Roswell

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 14-21, 34, 44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14-21, 34, 44, and 46-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 20080318, 20080221

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 14, 16-18, 20, 21, 34, 44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US Patent 5,555,346), Kelts (US Publication 2001/0030667), Selker (US Patent 6,549,219) and Nielsen (US Patent 6,337,699).

Regarding claims 1, 34, 44, and 46, Gross teaches a priorities system that prioritizes one or more e-mails according to context (taught as the use of an event manager that implements event prioritization, at col. 9, lines 26-52, the events being related to e-mails in the messaging system, at col. 8, lines 8-18), and a user interface that provides feedback about user actions relating to at least some of the one or more e-mails, the one or more user actions comprising at least one of a time of response to at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails, and ignoring the at least some of the one or more e-mails (taught as the use of multiple events used in rule invocation in relation to e-mail messages, such as the READ, WHEN READ, FILED, TIMER and BUTTON events of col. 5, line 25 through col. 6, line 57, and seen in Figs. 3a through 3h), the priorities system configured to adjust the prioritization of at least one of the one or more e-mails based on the feedback about the one or more user actions (again taught as the use of an event manager that implements event prioritization, at col. 9,

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lines 26-52, the events being related to e-mails in the messaging system, at col. 8, lines 8-18, further taught as the use of a "tickler" feature that allows for the modification of message priority and even rule sets based on user feedback, as can be seen at col. 6, lines 18-30 and col. 10, lines 15-65). Gross further teaches rendering the one or more e-mails based upon the priority of the one or more e-mails, taught as the taking of an action related to a prioritized message, such as the moving of the message to a predefined area, at col. 11, lines 19-36, which would inherently be displayed in such interfaces as the message inbox, sent box, wastebasket, etc.

However, Gross fails to explicitly teach the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback provided by the user interface, about the one or more user actions relating to the one or more e-mails.

Kelts teaches a system for the prioritized display of information objects, similar to that of Gross. Furthermore, Kelts teaches a priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback provided by the user interface, about the one or more user actions relating to the one or more e-mails, as the prioritization scheme may be based on specified preferences entered by the user (as in Gross) or the scheme can be dynamically responsive to use patterns, at ¶ 0086. Kelts further teaches the information system dealing with e-mail programs, at ¶ 0159.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross and Kelts before him at the time the invention was made to modify the e-mail priorities system of Gross to include the dynamic prioritization of Kelts. One would have been motivated to make such a combination for the advantage of enabling easier searching, locating and viewing of data of interest. See Kelts, ¶ 0005.

However, Gross and Kelts fail to explicitly teach the user interface comprising a plurality of colored wedges with one or more objects displayed thereon, the wedges representing one of a user context or source of the emails.

Selker teaches a graphical user interface for use in email messaging systems, similar to that of Gross and Kelts. Furthermore, Selker teaches a user interface comprising a plurality of colored wedges with one or more objects displayed thereon, the wedges representing one of a user context or source of the emails, taught as the use of the system in email messaging at col. 5, lines 34-44 and the display of particular menu levels or items based on importance, popularity or the like, at col. 3, lines 32-58.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts and Selker before him at the time the invention was made to modify the email messaging system of Gross and Kelts to include the concentric menu system of Selker. One would have been motivated to make such a combination for the advantage of ease of use afforded by a "pie menu". See Selker, col. 1, lines 33-52.

However, Gross, Kelts, and Selker fail to explicitly teach emails being represented by one or more objects which are displayed based on respective priority.

Nielsen teaches a system for the display of graphical objects related to e-mail messages similar to that of Gross, Kelts and Selker. Furthermore, Nielsen teaches further rendering the one or more e-mails in a display space as one or more display objects, taught as the display of various attributes of a graphical object to represent a state of the related e-mail message, at col. 2, lines 28-54.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker and Nielsen before him to modify the messaging system of Gross, Kelts and Selker to include the attribute-specific display objects of Nielsen. One would

have been motivated to make such a combination for the advantage of displaying attributes of a related message in simple icon form, at col. 2, lines 14-18.

Regarding claim 14, Nielsen teaches at least one of a shape and a color of the one or more display objects are indications of at least one of a source, a domain, and a priority of the one or more e-mails, taught as the display of various attributes of a graphical object to represent a state of the related e-mail message, at col. 2, lines 28-54.

Regarding claim 16, Gross teaches mapping rules for associating one or more display objects representing the one or more e-mails in a display space, at col. 1, line 60 through col. 2, line 4.

Regarding claim 17, Nielsen teaches an indication of change over time associated with one or more e-mails, taught as the use of "degree of fill" to represent date information such as a percentage of files having a revision date subsequent to the last time the user viewed the file, at col. 2, lines 46-49.

Regarding claim 18, Nielsen teaches the user interface further rendering one or more display objects representing the one or more e-mails at least as the changing of color, at col. 2, lines 35-38.

Regarding claim 20, while Gross, Kelts, Selker and Nielsen fail to explicitly teach the user interface providing at least one of a summary and an enlargement of the one or more e-mails, the examiner notes that many messaging programs such as Microsoft Outlook and

America Online are well known to allow a display of a summary of an e-mail (i.e. the subject line) and an enlargement (i.e. double-clicking an e-mail icon to read the full text of the message). The examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include a summary and an enlargement of an e-mail message in the messaging system of Gross, Kelts, Selker and Nielsen.

Regarding claim 21, while Gross, Kelts, Selker and Nielsen fail to explicitly teach semantic zooming enabling users to receive various levels of information regarding one or more e-mails, many file folder systems such as Windows 95 are well known to allow the display of icons relating to file objects in various sizes, as well as thumbnails relating to file objects in various sizes to allow the display of various levels of information to a user. The examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include semantic zooming into the messaging system of Gross, Kelts, Selker and Nielsen.

Regarding claim 47, as the messaging system is an electronic messaging system, it must inherently contain a signal to transmit computer executing instructions as claimed.

Regarding claim 48, Selker teaches the arrangement of sectors in a circular pattern, as can be seen in Figs. 1-8.

Regarding claim 49, Selker teaches wedges being further divided into concentric circles, squares, rectangles, or triangles to facilitate delineating the respective priorities of the displayed objects, as can be seen in Figs. 2-9 and at col. 3, lines 44-58.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, Kelts, Selker Nielsen, and Knowlton et al (US Patent 6,057,842), hereinafter Knowlton.

Gross, Kelts, Selker and Nielsen have been shown to teach a messaging system having attribute-specific display objects.

However, Gross, Kelts, Selker and Nielsen fail to explicitly teach clustering rules for displaying N number of display objects in the display space, N being an integer, the clustering rules comprising rendering as many of the one or more display objects as can fit in the display space.

Knowlton teaches a system for generating display layouts in electronic mail messaging systems, similar to those of Gross, Kelts, Selker and Nielsen. Furthermore, Knowlton teaches clustering rules for displaying N number of display objects in the display space, N being an integer, the clustering rules comprising rendering as many of the one or more display objects as can fit in the display space, at col. 17, lines 4-19.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker, Nielsen and Knowlton before him at the time the invention was made to modify the messaging system of Gross, Kelts, Selker and Nielsen to include the clustering rules of Knowlton.

One would be motivated to make such a combination for the advantage of allowing a user to control and view as much pertinent information as possible.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, Kelts, Selker, Nielsen, and Simonoff (US Patent 6,078,322).



Gross, Kelts, Selker and Nielsen have been shown *supra* to teach the limitations of claim 17.

However, Gross, Kelts, Selker and Nielsen fail to explicitly teach at least one of a fast forward and a replay section to provide the indication of changes over time.

Simonoff teaches a system capable of displaying notifications about information of interest to a user, similar to that of Gross, Kelts, Selker and Nielsen. Furthermore, Simonoff teaches at least one of a fast forward and a replay section to provide the indication of changes over time, at col. 10, lines 27-28.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker, Nielsen and Simonoff before him at the time the invention was made to modify the notification system of Gross, Kelts, Selker and Nielsen to include the replay section of Simonoff. One would have been motivated to make such a combination for the advantage of giving the user greater functionality and control in terms of information of interest.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, Kelts, Selker, Nielsen and Keller et al (US Patent 5,767,852), hereinafter Keller.

Gross, Kelts, Selker and Nielsen have been shown to teach the notification system of claim 1.

However, Gross, Kelts, Selker and Nielsen fail to explicitly teach the user interface comprising a transparent cover for the wedges and the display objects that mitigates inadvertent setting of priorities by a user such that a user can provide explicit training to the priorities system by removing the cover via a mouse selection and drag operation and rearranging the display objects on the wedges and locking the cover in place after the rearrangement.

Keller teaches the manipulation of priorities similar to those of Gross, Kelts, Selker and Nielsen.

Furthermore, Keller teaches providing provide explicit training to a priorities system via a mouse selection and drag operation and rearranging the display objects, as can be seen in Fig. 4, and at col. 2, lines 51-65. The examiner contends that at the "cover" as claimed is analogous to the icon locking mechanism of Keller, found in col. 6, lines 56-65.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker and Nielsen before him at the time the invention was made to modify the notification system of Gross, Kelts, Selker and Nielsen to include the priorities modification system of Keller. One would have been motivated to make such a combination for the advantage of a convenient graphical means for controlling process priority, as noted by Keller at col. 2, lines 23-27.

### ***Response to Arguments***

Applicant's arguments filed 14 April 2008 have been fully considered but they are not persuasive.

In response to Applicant's arguments of pages 6-7 of the remarks, that Gross fails to teach "a user interface that provides feedback about user actions relating to at least some of the one or more e-mails, the one or more user actions comprising a time of response to the at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails or ignoring the at least some of the one or more e-mails", the examiner respectfully disagrees. The fact that the priorities system of Gross adjusts the priority of a message based on one or more user actions is deemed analogous to the

claimed "feedback", as the system is providing output (priority adjustment) based on a user action (READ, WHEN READ, FILED, etc., of col. 5, line 25 through col. 6, line 57).

Applicant further argues on page 8 of the remarks that Kelts fails to teach "the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback received from the user interface about the one or more user actions relating to the previous e-mails, the examiner respectfully disagrees. Kelts has been shown to teach a priorities scheme related to "dynamic use patterns", at ¶ 0086, and in combination with the priorities system of Gross would thus teach the claimed adjusted decision making.

Applicant argues on page 8 that Selker fails to teach "the wedges represent one of a user context or a source of the emails". The examiner respectfully disagrees, noting that Selker allows for the graphical wedges to be related to "text, icons or other symbols" in a menu system, and since the concentric menu system of Selker may be embodied in an email system, the examiner contends that the wedges could be represented as "a user context or source of the emails", as email subjects or senders are well known email interface menu categories.

Regarding Applicant's arguments of claim 50, on pages 9-10 of the remarks, the examiner respectfully disagrees. Applicant argues that the positions of icons in Keller "can only be changed by users with special privileges", but goes on to note that in the instant application "it permits a user to easily reset priorities of the system via selection and drag operation". The examiner believes the two "users" to be analogous in this situation. With further regard to the locking mechanism of Keller, the examiner maintains that the "cover" as claimed is analogous to the icon locking mechanism of Keller, found in col. 6, lines 56-65.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571)272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael Roswell  
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/DENNIS-DOON CHOW/  
Supervisory Patent Examiner, Art Unit 2173